

Remarks

Claims 1-20 are pending in the application.

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by Chen et al. (US 2004/0228393 A1, hereinafter “Chen”).

Claims 2-3, 6-7, 10-11, and 15-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of McNamara, U.S. Pat. No. 6,262,976 B1 (hereinafter “McNamara”).

Claims 4-5, 8-9, 12, and 17-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Dapper et al., U.S. Pat. No. 6,275,990 B1 (hereinafter “Dapper”).

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in dependent form including all of the limitations of the base claim and any intervening claims.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or simply is clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same

as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §102

Claim 1

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Chen. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Chen reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

In general, Chen discloses cell searching in a wideband code division multiple access (WCDMA) system. More specifically, Chen discloses a cell search method that uses correlators to select a primary scrambling code from a group of code candidates. Chen is only concerned with timing and code synchronization to identify a "best" cell. Chen fails to teach or suggest at least: "sorting data packets received during a predetermined time period into groups according to for which communications device of said network the received data packets are intended," as recited in independent claim 1.

The Examiner argues that paragraph [0033], lines 1-8, of Chen teach "group data packets received during a predetermined time period into groups according to for which communication device" (Office Action, page 3). Applicants respectfully disagree.

The cited portion states:

"Much of the present invention UE 100 is similar to the prior art UE 30, and so is explained primarily in terms of differences from the UE 30. In particular, the UE 100 includes a transceiver 101 and a stage 111 that are equivalent to the prior art

UE 30, as well as a secondary correlation unit 120 that generates secondary correlation results 121 that may be regarded as a table of correlation results corresponding to code group and slot number information,” where UE is user equipment.

Nowhere does this portion teaches or suggests:

- packets or groups of packets;
- packets being received during a predetermined time period;
- sorting the received data packets in groups; and
- sorting the packets according to which device the packets were intended.

Rather, Chen merely describes user equipment that searches cells. However, searching cells, and specifically determining code group number, time slot number, and primary scrambling code number as taught by Chen, is entirely different from sorting data packets received during a predetermined time period into groups according to which communications devices the packets are directed. Chen does not process at a packet/data level. Chen processes at a channel level.

For example, nowhere does Chen even mention packets or groups of packets. Though packets may be transmitted over CDMA or W-CDMA system, sorting packets according to which device the packet were intended has no place in Chen’s arrangement. CDMA (Code Division Multiple Access) is a form of cellular service that assigns a code to all speech bits, sends a scrambled transmission of the encoded speech over the air, and reassembles the speech to its original format. Chen’s arrangement focuses on searching for a cell for user equipment, such as a wireless phone, for example, when there is more than one cell available (e.g., cell that would allow for providing the best service). Accordingly, even if to assume that packets are in some way involved in the search for a cell, because the Chen’s arrangement works with each piece of user equipment individually, all the packets that would have been sorted may be addressed to only one device, namely that piece of equipment.

If the Examiner disagrees with Applicants’ argument, Applicants respectfully invite the Examiner to indicate where specifically, in the above-recited portion, Chen teaches the above-named elements of Applicants’ step of “sorting data packets received during a predetermined time period into groups according to for which communications device of said network the received data packets are intended.”

Accordingly, because Chen fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1, independent claim 1 is not anticipated by Chen and is allowable under 35 U.S.C. §102.

The Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. §103

Claims 4, 5, 8-12, and 17-20

Claims 4, 5, 8-12, and 17-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Dapper. The rejection is traversed.

Regarding claims 4, 5, and 8-11, each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §102 given Chen. Because the rejection under 35 U.S.C. §102 given Chen has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Dapper supplies that which is missing from Chen to render the independent claim anticipated, these grounds of rejection cannot be maintained. Therefore, Applicants' claims 4-5 and 8-11 are allowable under 35 U.S.C. §103(a) over Chen in view of Dapper.

Regarding independent claims 12, 19, and 20, these claims recite relevant limitations similar to those recited in independent claim 1. Accordingly, at least for the reasons discussed above, Chen also fails to teach or suggest all the elements of claims 12, 19, and 20. Because no arguments are presented that Dapper supplies that which is missing from Chen to render these independent claims anticipated, these grounds of rejection cannot be maintained. Accordingly, claims 12, 19, and 20 are allowable under 35 U.S.C. §103(a) over Chen in view of Dapper.

Furthermore, because all the dependent claims depending from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable under 35 U.S.C. §103(a). Therefore, claims 17-18 are allowable under 35 U.S.C. §103(a) over Chen in view of Dapper.

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

Claims 2-3, 6-7, and 10-11

Claims 2-3, 6-7, 10-11, and 15-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of McNamara. The rejection is traversed.

Regarding claims 2-3, 6-7, and 10-11, each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §102 given Chen. Because the rejection under 35 U.S.C. §102 given Chen has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that McNamara supplies that which is missing from Chen to render the independent claim anticipated, these grounds of rejection cannot be maintained. Therefore, claims 2-3, 6-7, and 10-11 are allowable under 35 U.S.C. §103(a) over Chen in view of McNamara.

Regarding claims 15 and 16, the Examiner indicates that subject matter of claims 15 and 16 is disclosed by the combination of Chen and McNamara. However, claims 15 and 16 depend from independent claim 12, which according to the Office Action is taught by combination of Chen and Dapper. Accordingly, combination of Chen and McNamara is not sufficient to establish a *prima facie* case of obviousness regarding claims 15 and 16.

Nonetheless, each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §103 given in view of Dapper. Because the rejection under 35 U.S.C. §103 given Chen in view of Dapper has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that McNamara supplies that which is missing from combination of Chen and Dapper to render independent claim 12 anticipated, these grounds of rejection cannot be maintained. Therefore, claims 15 and 16 are allowable under 35 U.S.C. §103(a).

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

Allowable Subject Matter

Claims 13 and 14

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in dependent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the

indication of allowable subject matter with respect to these claims. However, for at least the reasons discussed above, the base claim is allowable under 35 U.S.C. §103 and, as such, claims 13 and 14 are allowable.

The Examiner is respectfully requested to withdraw the objection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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